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**OFFICE OF PETITIONS**

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Patent Operations  
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P O Box 5312  
Princeton NJ 08543-5312**

In re Application of :  
Berthold Eiberger :  
Application No. 09/110,615 : **DECISION ON PETITION**  
Filed: July 6, 1998 :  
Attorney Docket No. PHD97.095 :

This is a decision on the petition, filed May 30, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED as being MOOT.**

A review of the file record shows that the application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 22, 2002. No reply was received and the application went abandoned on April 23, 2002. A Notice of Abandonment was mailed June 30, 2003.

A petition to revive the application under 37 CFR 1.137(b) was filed August 14, 2003. The petition included an amendment. A petition decision granting the petition was mailed August 29, 2003.

The petition decision mailed August 29, 2003 withdrew the abandoned status and should have caused the application to be forwarded to the Technology Center Art Unit for processing and examination of the amendment but for unknown reasons the application remained in abandoned status.

Since the application is not abandoned and was not abandoned at the time of filing of the instant petition, the petition to withdraw the holding of abandonment is dismissed as being moot.

The application is being forwarded to Technology Center Art Unit 2613 for processing of the amendment filed August 14, 2003 and examination in due course.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal stroke extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions